

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public servants – Employment and Training Department – Allegations of corruption against Sri K.Subbarayudu, Junior Assistant, District Level Training Centre / Industrial Training Institute, Kurnool – Trapped by Anti Corruption Bureau – Convicted by the SPE& ACB Cases cum V Addl. Chief Judge: City Civil Court Hyderabad – Dismissal from service – Appeal filed by the Accused Officer in the High Court of Andhra Pradesh- Confirming the lower court judgement by the High Court of Andhra Pradesh - Appeals filed by the Accused Officer in Supreme Court of India, New Delhi – Supreme Court of India dismissed the Special Leave Petition filed by the Anti Corruption Bureau – Reinstatement into service – Suspension / dismissal period shall be treated as not duty - Orders – Issued

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LABOUR EMPLOYMENT TRAINING & FACTORIES (VIG) DEPARTMENT

G.O.Ms.No. 40

Dated :29.06..2011

Read the Following :-

1. From DG, ACB., Lr No. 112/RCT-KUR/93, Dated 25.07.1994
2. G.O.Rt.No. 1666, LET&F (Emp.A1) department, dated 18.07.1995.
3. From DG, ACB., Lr No. 112/RCT-KUR/93 Dated 21.06.2000.
4. From DG, ACB., Lr No. 112/RCT-KUR/93 Dated 20.09.2000 along with judgement
5. From CET, Lr No. G2/5182/93 Dated 11.09.2000.
6. G.O.Ms.No. 58, LET&F (Emp) Department Dated 08.11.2000.
7. From the High Court Crl. Appeal. No. 1272/2000 copy of court order
8. From Supreme Court Crl. Apl. No. 716/2006.
9. Govt. Memo.No. 1378/Vig/2011 Dated 17.03.2011.
10. Representation from Sri K.Subbarayudu, Junior Asst. Dismissed DLTC/ITI, Kurnool
11. From the DG, ACB., Lr . Rc.No. 112/RCT-KUR/ 1993-S6, Dated 13.04.2011.

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ORDER:

In the letter 1<sup>st</sup> read above the Director General, Anti Corruption Bureau, Hyderabad has informed that Sri K.Subbarayudu, the then Junior Assistant, District Level Training Centre / Industrial Training Institute, Kurnool and Sri Sk. Mastan Saheb working as Record Assistant, District Employment Exchange, Kurnool demanded and accepted the bribe an amount of Rs. 900/- from the complainant Sri B.Chandrasekhar Reddy, of M.Lingapuram Village on 08.10.1993. In order to sponsor his name to the employers for selection to the post of Attenders and alleged to have been indulged in moral turpitude of illegal gratification. Hence they are punishable under Prevention of Corruption Act, 1988. The Director General, Anti Corruption Bureau, has requested to accord sanction for prosecuting the above individuals in a court of law. Accordingly Government have issued orders in the G.O. 2<sup>nd</sup> read above sanctioning prosecution against Sri K.Subbarayudu, Junior Assistant, District Level Training Centre / Industrial Training Institute, Kurnool in a court of law.

2. In the letter 4<sup>th</sup> read above the Additional Special Judge for ACB cases in his judgement dated 16.08.2000 in C.C. No. 1/1996 found the Accused Officer Sri K.Subbarayudu guilty of the charges framed against them and accordingly convicted them under section 248 (2) Cr. P.C. for the offence under section 7 of PC Act, 1988 and sentenced to Rigorous Imprisonment for one year besides fine of Rs. 1,000/- each.

3. In the letter 5<sup>th</sup> read above, the Director of Employment and Training was also requested to dismiss the individuals in question from service.
4. Accordingly in the G.O. 6<sup>th</sup> read above the Director of Employment and Training was directed to dismiss Sri K.Subbarayudu, Junior Assistant District Level Training Centre / Industrial Training Institute consequent on his conviction by SPE & ACB Cases cum V Additional Chief Judge, City Civil Court, Hyderabad.
5. Aggrieved by the orders, Sri K.Subbarayudu, Junior Assistant (Dismissed) District Level Training Centre / Industrial Training Institute, Kurnool has filed Crl.Appeal No.1272/2000 in the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court of Andhra Pradesh dismissed his appeal and confirmed the lower court judgement. Accordingly, Sri K.Subbarayudu, Junior Asst, (Dismissed) District Level Training Centre / Industrial Training Institute, Kurnool has filed an appeal in the Hon'ble Supreme Court of India vide Cr. Apl. No. 716/2006.
6. In the memo 9<sup>th</sup> read above, the Govt. requested the Director General, Anti Corruption Bureau whether any appeal is being preferred by way of Special Leave Petition in the Supreme Court of India on the orders of Hon'ble High Court of Andhra Pradesh in Crl.Appeal No.712/2006.
7. In the representation 10<sup>th</sup> read above, Sri K.Subbarayudu, Junior Asst (Dismissed) District Level Training Centre / Industrial Training Institute, Kurnool has submitted a representation to Government informing that the Hon'ble Supreme Court of India has dismissed the Special Leave Petition filed by Anti Corruption Bureau against the orders of High Court of Andhra Pradesh and requested to reinstate him into service..
8. In the letter 11<sup>th</sup> read above, the Director General, Anti Corruption Bureau, has informed that Sri K.Subbarayudu, Junior Assistant (Dismissed), District Level Training Centre / Industrial Training Institute, Kurnool is entitled to benefit of doubt and that the Supreme Court of India has set aside the conviction imposed by the lower courts and that the Bureau is of the opinion that it is not a fit case to appeal before a larger bench of Supreme Court of India.
9. Government after careful examination of the matter hereby decided that in the light of the judgement of Hon'ble Supreme Court of India have to reinstate Sri K.Subbarayudu, Junior Assistant, District Level Training Centre / Industrial Training Institute, Kurnool District into service and that the suspension / dismissal period shall be treated as not duty and pay and allowances shall be limited to the subsistence allowance entitled / already paid as per the orders issued in G.O.Ms.No. 30, Finance (FR.II) Department, dated 15.02.2007 as he was acquitted on benefit of doubt.
10. The Commissioner of Employment and Training is requested to reinstate Sri K.Subbarayudu, Junior Assistant, District Level Training Centre / Industrial Training Institute, Kurnool Dist into service with immediate effect and suspension / dismissal period shall be treated as not duty and pay and allowances shall be limited to the subsistence allowance entitled / already paid as per the orders issued in G.O.Ms.No. 30, Finance (FR.II) Department, dated 15.02.2007 as he was acquitted on benefit of doubt.

P.T.O.

11. The Commissioner of Employment and Training is therefore requested to take necessary further action in the matter urgently and to send the compliance report to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.SREENIVASULU,  
SECRETARY TO GOVERNMENT

To

Sri K.Subbarayudu, Junior Assistant, DLTC/ITI Kurnool Dist  
through Commissioner of Employment and Training, Hyderabad.  
The Commissioner of Employment and Training, Hyderabad.

Copy to

The Director General, Anti Corruption Bureau, Hyderabad.  
The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.  
The Andhra Pradesh Public Service Commission, Hyderabad  
The OSD to M(LET&F ITI s)  
The P.S. to Secretary , LET&F Department.  
The P.A. to Joint Secretary, LET&F Department

//Forwarded :: By order//

SECTION OFFICER